

HOUSE BILL 1565

E3

0lr3601
CF SB 1077

By: **Delegate Proctor**

Rules suspended

Introduced and read first time: March 22, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Child Welfare and Juvenile Justice – Co-Commitment and**
3 **Study**

4 FOR the purpose of requiring the juvenile court in a disposition hearing to make a
5 certain determination regarding a certain child; requiring the court to
6 co-commit a certain child to certain agencies under certain circumstances;
7 requiring the Department of Juvenile Services to make a certain determination
8 under certain circumstances; requiring the Department of Juvenile Services and
9 the Department of Human Resources to conduct a certain home study under
10 certain circumstances; requiring the departments to file jointly a certain
11 complaint under certain circumstances; requiring the departments to
12 collaborate to determine certain information, to study the link between the child
13 welfare system and the juvenile justice system in the State, to develop a certain
14 plan, and to report to the General Assembly on or before a certain date; and
15 generally relating to the co-commitment of children to certain agencies and the
16 link between child welfare and juvenile justice.

17 BY adding to

18 Article – Courts and Judicial Proceedings
19 Section 3–8A–19(l)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2009 Supplement)

22 BY adding to

23 Article – Human Services
24 Section 9–247
25 Annotated Code of Maryland
26 (2007 Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 3–8A–19.

5 (L) (1) IF A CHILD WHO IS COMMITTED TO THE CUSTODY OF A LOCAL
6 DEPARTMENT OF SOCIAL SERVICES UNDER § 3–819 OF THIS TITLE IS
7 COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES
8 BY THE COURT UNDER SUBSECTION (D) OF THIS SECTION, AT THE TIME OF
9 DISPOSITION, THE COURT SHALL REVIEW THE CHILD’S STATUS TO DETERMINE
10 THE:

11 (I) CONTINUING NECESSITY FOR AND APPROPRIATENESS
12 OF THE COMMITMENT TO THE LOCAL DEPARTMENT;

13 (II) EXTENT OF COMPLIANCE WITH THE PERMANENCY
14 PLAN; AND

15 (III) EXTENT OF PROGRESS THAT HAS BEEN MADE TOWARD
16 ALLEVIATING OR MITIGATING THE CAUSES NECESSITATING OUT-OF-HOME
17 PLACEMENT.

18 (2) IF THE COURT DETERMINES UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION THAT COMMITMENT TO THE LOCAL DEPARTMENT IS STILL
20 APPROPRIATE, IN AN ORDER COMMITTING THE CHILD TO THE CUSTODY OF THE
21 DEPARTMENT OF JUVENILE SERVICES, THE COURT SHALL CO-COMMIT THE
22 CHILD TO THE CUSTODY OF THE LOCAL DEPARTMENT.

23 **Article – Human Services**

24 9–247.

25 (A) IF A CHILD IS FOUND DELINQUENT AND COMMITTED TO THE
26 CUSTODY OF THE DEPARTMENT UNDER § 3–8A–19 OF THE COURTS ARTICLE,
27 THE DEPARTMENT SHALL MAKE A DETERMINATION AS TO WHETHER LACK OF
28 PARENTAL GUIDANCE OR SUPERVISION WAS A SIGNIFICANT FACTOR LEADING
29 TO THE CHILD’S DELINQUENT ACT.

30 (B) IF THE DEPARTMENT FINDS THAT LACK OF PARENTAL GUIDANCE
31 OR SUPERVISION WAS A SIGNIFICANT FACTOR LEADING TO THE CHILD’S
32 DELINQUENT ACT UNDER SUBSECTION (A) OF THIS SECTION, WHEN THE CHILD
33 IS RELEASED FROM A RESIDENTIAL PLACEMENT, THE DEPARTMENT AND THE

1 DEPARTMENT OF HUMAN RESOURCES SHALL CONDUCT A HOME STUDY TO
2 DETERMINE THE ADEQUACY OF PARENTAL GUIDANCE AND SUPERVISION FOR
3 THE CHILD.

4 (C) IF THE DEPARTMENT AND THE DEPARTMENT OF HUMAN
5 RESOURCES FIND THAT THE PARENTAL GUIDANCE AND SUPERVISION FOR THE
6 CHILD ARE NOT ADEQUATE TO PREVENT FURTHER INVOLVEMENT WITH THE
7 DEPARTMENT, THE DEPARTMENT AND THE DEPARTMENT OF HUMAN
8 RESOURCES SHALL FILE JOINTLY A COMPLAINT ALLEGING THAT THE CHILD IS
9 IN NEED OF ASSISTANCE OR IN NEED OF SUPERVISION, IF APPROPRIATE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) The Department of Human Resources and the Department of Juvenile
12 Services shall collaborate to identify the number of children who were in the custody of
13 a local department of social services and were referred to the courts or the Department
14 of Juvenile Services for delinquent acts in the time period from July 1, 2002, through
15 July 1, 2009.

16 (b) The Department of Human Resources and the Department of Juvenile
17 Services shall:

18 (1) study the link between the child welfare system and the juvenile
19 justice system as it operates in the State; and

20 (2) develop a plan to address the link between the child welfare
21 system and the juvenile justice system, including:

22 (i) increasing communication between the two systems;

23 (ii) coordinating efforts; and

24 (iii) jointly developing initiatives.

25 (c) The Department of Human Resources and the Department of Juvenile
26 Services shall report jointly to the General Assembly on or before December 31, 2011,
27 in accordance with § 2-1246 of the State Government Article, on:

28 (1) the information required in subsection (a) of this section; and

29 (2) the study and plan required in subsection (b) of this section.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.